



6593 HWY 10 WEST  
MISSOULA, MT 59808  
Phone # 406-721-7538  
Fax # 406-541-3023

SENATE HIGHWAYS AND TRANSPORTATION	
EXHIBIT NO.	2
DATE:	2-10-2011
BILL NO.	SB 258

February 10, 2011

Committee Members,

As the Missoula District representative for the Montana Tow Truck Association I would like to add my support for SB 258.

There have been numerous problems with tow trucks operating for compensation in our District, but not having to comply with the regulations for tow truck operators due to loopholes in how the current law is worded.

Many of these towers operate substandard equipment and operate without the proper insurance requirements. Because they currently don't meet the definition of a commercial tower, these issues cannot be enforced. This puts the motoring public in danger from a lot of different angles. With the substandard equipment that is uninspected, failures are more common and the risk of losing a towed vehicle on the interstate at 75 miles an hour is greater.

If they are involved in an accident, there is the possibility that they are uninsured or don't meet the minimum requirements as currently established for towers. This could be catastrophic for someone involved in an incident with one of these towers.

By changing the definition of a commercial tow truck, it would require their inspection by law enforcement and allow action against them if in noncompliance. This elevates them to industry standards which will provide an added margin of safety to the other motorists on the highways. They would also be forced to prove insurance compliance which will benefit all involved if in a crash. As we all know in Montana, there is a substantial problem with uninsured motorists. There is no reason a business involved in towing for compensation should be allowed to add to the problem.

Sincerely,

Scott Wolff, Owner  
Iron Horse Towing, Inc.

## Senate Bill 258

## Testimony

Mr. Chairman and Members of the Committee

On March 24, 2010, approximately 1 pm, A-1 Towing was dispatched to a rotation call for Helena PD. It involved a two vehicle crash at 18<sup>th</sup> and Billings (behind Walmart). The vehicles involved were a 90's Dodge Dakota and a half ton 70's Chev Blazer. The Blazer was pulling what appeared to be a homemade trailer overloaded with scrap metal for Pacific Recycling. The crash had caused the homemade hitch to break, allowing the trailer to break free and become wedged under the Blazer. The driver of this vehicle had previously been engaged in hauling scrap vehicles to Pacific Recycling with a homemade wrecker.

A-1 was dispatched for the Dakota. The driver of the Blazer called a tow truck that was not insured and inspected according to MHP regs regarding commercial tow trucks. The towing industry refers to these operations as "rogue towers". I informed Helena PD the wrecker for the Blazer was not a "commercial tow truck" and the officer directed him to leave the scene.

This is why I feel this one line definition will help resolve the rogue tower issue and promote consumer protection and public safety.



A-1 Towing & Recovery Inc

Owner/operator

SB 258: Revising the definition of "Commercial Tow Truck"

Testimony for Senate Transportation committee

Mr. Chairman and members of the committee

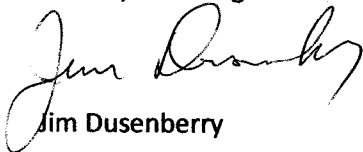
My Name is Jim Dusenberry-----President of the Montana Tow Truck Assoc.

To be a commercial tow truck operator in Montana, the tower must follow the rules of the "Montana Tow Truck Act" by filing insurance, getting the truck inspected and filing or notifying the Dept. of Justice with this information. This is sections 61-8-906 and 91-8-907 of the law.

This one sentence addition to the Montana Tow Truck Act will add clarity to this definition and the association feels this is a consumer protection issue. When junk steel prices climbed so high this past summer a lot of industrious individuals bought old tow trucks or fabricated a boom, in their pickup, and began hauling junk vehicles on Montana's roadways. Most of these individuals have no insurance, didn't use safety chains to secure the load, or tow lights to mark the back of the towed vehicle and the vehicles were over loaded when towing. Most of these vehicles ended up at the salvage yard and the driver collected money for the cargo, and the next day you would see them hauling a good vehicle for someone to a repair shop. When questioned about the move, there answer would be they are hauling their own vehicles and were not getting paid. The definition as it stands now, is not clear as to what compensation is, and when it becomes a commercial tow. These junk haulers can load these vehicles on a trailer and haul them to the salvage yard and only comply with the rules GVW and the DOT enforcement or use a tow truck and comply with the rules the all tow truck operators must comply with. The exception for the Montana-licensed motor wrecking facility is the only business that could be legitimate to haul their own vehicles to their own yard for disassembly and resale.

The Montana Tow Truck Association supports this change and urges your support as well.

Thank you for a good hearing and your consideration.



Jim Dusenberry

President MTTA

**BOLSTER'S TOWING, INC.**  
**693 ADDISON SQUARE**  
**KALISPELL, MT 59901**

PHONE 406-752-4528

FAX 406-752-0792

IN REFERENCE TO SENATE BILL NO. 258

The Flathead County towers feel that the Salvage Haulers and Wrecking yards haul their own salvage so they say. But they get paid for hauling salvage for Insurance companies, the big salvage pool companies and for taking it to their own wrecking yards and selling parts off the vehicles. They are being compensated for what they do or making money doing what they do.

They should not be exempt from Inspections and must follow the tow laws for inspections. They do not need signs, brooms and buckets, but they need to follow the Safety rules also. They are being compensated for what they are doing - making money - or they would all be out of business. They drive on our highways and it is a safety issue.

*Dennis L. Frownfelter*

*2-10-11*

Terry Morrison

Mr.T's Towing & Repair

411 Bond Street

Bozeman Mt. 59715

Dear Committee Members:

I am the District Director for the Montana Tow Truck Association for southwest Montana and a member of the Tow Truck Complaint Resolution committee Appointed by the Attorney General.

The revisions to the Montana Tow truck act in Senate Bill 258 will benefit 2 Industries and also give the Highway Patrol the necessary tools to enforce safe towing rules to protect the motoring public when transporting and /or towing vehicles on the public roadways.

By not requiring the Motor Vehicle Wrecking Facilities to carry Cargo Insurance (61-8-906) 1-b this is to cover personal contents, inside, the car that is being towed. In most cases that car is owned by the Wrecking Facility, and it is unfair to require them to insure that cargo. It is also not necessary for them to carry traffic control signs and a broom and shovel because they are not performing emergency towing or recoveries on the roadway. 61-8-906 (1) c.. This change will result is financial cost saving to the Motor Vehicle Wrecking Facilities.

The additions to 61-8-904 (3) and 61-8-416 will ensure that anyone towing on public roadways, that receives compensation in any form, resulting from the act of towing will be required to comply with all the safety and insurance requirements. And will be enforceable by the Highway patrol.

Thank You



Terry Morrison